

## **STATE AUDITOR'S OFFICE AGENT FOR SERVICE OF PROCESS FACT SHEET**

The State Auditor of Montana also acts as the ex-officio Insurance Commissioner and Securities Commissioner. The Insurance Commissioner is charged with the duties of regulating the insurance industry in Montana. Pursuant to Montana Statute, the Commissioner, in performing those duties, shall act as the Agent for Service of Process under certain circumstances.

The following information is being provided to you as a basis for effectuating Service of Process through the Insurance Commissioner.

### ***WHAT ENTITIES DOES THE COMMISSIONER ACT AS AGENT FOR?***

- ◆ All Insurance Companies **doing** business in Montana.
- ◆ Non-resident insurance producers (agents).
- ◆ **Montana** Guaranty Associations.
- ◆ Risk Retention and Purchasing Groups registered in Montana

### ***WHAT ITEMS NEED TO BE SENT TO THE COMMISSIONER?***

- ◆ Duplicate (two) **copies** of all service of process. Original Summons not needed.
- ◆ \$10.00 service fee per insurance company made payable to the Commissioner of Insurance.
- ◆ Specific insurance company name. The Commissioner cannot accept service for a group of companies.
- ◆ One signed original and one copy of the notice and acknowledgment of service by mail. ★★

### ***HOW IS SERVICE DELIVERED TO THE COMMISSIONER?***

- ◆ U.S. Mail★★
- ◆ Sheriff's Office
- ◆ Process Server
- ◆ Personal Delivery
- ◆ Levying Officer

### ***WHAT STATUTES ARE REFERENCED FOR SERVICE OF PROCESS?***

Sections: <u>33-1-601, MCA</u>	Commissioner - Attorney for service of process (companies)
<u>33-1-603, MCA</u>	Serving process - time to plead - 30 days to answer
<u>33-2-708, MCA</u>	Fees and licenses
<u>33-11-104(1)(c), MCA</u>	Risk retention groups not chartered in this state
<u>33-11-108(2), MCA</u>	Notice and registration requirements of purchasing groups
<u>33-17-405, MCA</u>	Commissioner- Attorney for service of process (non-resident producers)
<u>25-20, MCARule 4D(1)(b)(I)</u>	Montana Rules of Civil Procedure

★★ If items are delivered through the U.S. Mail, they must be accompanied by one signed original and one copy of the notice and acknowledgment of service by mail.